

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”)

Property Factors (Scotland) Act 2011 (“the Act”)

Decision under the Act and the First-tier Tribunal for Scotland Housing and Property Chamber (procedure) Regulations 2016

Chamber Ref: FTS/HPC/PF/18/0293

Flat 0/1, 65 Cherrybank Road, Merrylee, Glasgow, G43 2NL (“The Property”)

The Parties:-

Mr Nathan Murdoch residing at Flat 0/1, 65 Cherrybank Road, Merrylee, Glasgow, G43 2NL and his representative Mrs Rebecca Murdoch also residing at Flat 0/1, 65 Cherrybank Road, Merrylee, Glasgow, G43 2NL (“the Applicant”)

YourPlace Property Management Limited, a company incorporated under the Companies Acts (Company Number SC245072) and having its Registered Office at Wheatley house, 25 Cochrane Street, Glasgow, G1 1HL (“the Respondent”)

Tribunal Members:

Mr E K Miller (Legal Member)

Mr D Godfrey (Ordinary Member)

This Decision should be read in conjunction with the Decision and proposed Property Factor Enforcement Notice both dated 16 October 2018

Background

1. By a Decision dated 16 October 2018 the Tribunal had determined that the Respondent had breached Sections 2.1, 2.5, 6.1, 6.3 and 7.1 of the Property Factor's Code of Conduct as well as their general property factor's duties as defined in the Act
2. The said Decision set out a proposed Property Factor Enforcement Order (“PFEO”) that the Tribunal was considering making. The proposed PFEO required payment of the sum of £1500 to the Applicant by the Respondent.
3. The proposed PFEO was circulated to both parties for comment
4. The Applicant responded updating the Tribunal that the Respondent was no longer the factor of the Property. The Applicant thanked the Tribunal for their earlier decision. The Applicant appeared to be happy with the remedy proposed by the Tribunal.

5. The Respondent responded to the Tribunal with confirmation that they had already paid the sum of £1500 to the Applicant. The Respondent did not query or challenge the terms of the Decision.
6. The Tribunal (consisting of Mr E K Miller Chairman and Legal member and Mr D Godfrey, Ordinary Member) considered matters. Both parties had accepted the terms of the Decision. The remedy required by the Tribunal had already been made by the Respondent. On that basis the Tribunal saw no merit or benefit in issuing a formal PFEO. The Tribunal was content that matters has now been addressed and that Tribunal's involvement was now at an end. The Tribunal resolved to take no further action.

Decision

The Tribunal considered that matters were at an end and resolved to take no further action, given the payment by the Respondent to the Applicant

Appeals

A homeowner or property factor aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

Legal Member and Chair

14/11/18

Date